Attorney Docket No.: BVTP-P01-590 U.S.S.N.: 10/023,259

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Park et al.

Attorney Docket No.

BVTP-P01-590

Serial No: 10/023,259

Art Unit:

3763

Filed:

December 14, 2001

Examiner:

SIRMONS, KEVIN C.

For:

MICRONEEDLE DEVICES AND

PRODUCTION THEREOF

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

10/18/07

Date of Signature and of Mail Deposit

Andrea Berlo

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petition Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This Petition is filed in response to the Notice of Abandonment mailed on October 9, 2007, in connection with the above application. Applicants petition for withdrawal of the Examiner's holding of abandonment of the above-referenced application, on the ground that a Notice of Appeal and a Petition for Extension of Time were timely filed by Express Mail Procedure as specified in 37 C.F.R. § 1.10.

A Final Office Action in connection with the above application was mailed on May 13, 2004. Applicants filed a Notice of Appeal on Monday, November 15, 2004, with an

accompanying Petition for Three-Month Extension of the response period. In filing the Notice of Appeal, Applicants properly followed the Express Mail Procedure pursuant to 37 C.F.R. § 1.10.

Applicants submit herewith:

- a copy of the Notice of Appeal, as originally filed on November 15, 2004,
 bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353
 US;
- a copy of the Three-Month Petition for Extension of Time under 37 C.F.R.
 §1.136(a), as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the Fee Transmittal, as originally filed on November 15, 2004, bearing
 a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the postcard receipt for the Notice of Appeal, Petition for Extension of
 Time, Fee Transmittal, and authorization to charge fees, dated November 15,
 2004, bearing Express Mail Airbill No. EV 543609353 US, date-stamped by
 OIPE to indicate a receipt date of November 15, 2004;
- a copy of the Post Office to Addressee Express Mail Label (EV 543609353 US), showing the Date-In as 11-15-04, 5:58 PM. The Express Mail Label also shows the Attorney Docket No. BVTP-P01-590;
- a copy of the above-referenced Notice of Appeal and Petition for Extension of Time, bearing the OIPE date-stamp of November 15, 2004, which are downloaded from the Image File Wrapper of PAIR; and,
- A copy of the relevant section of the USPTO Deposit Account Statement for November 2004 for Account Number 18-1945, showing charges of \$490 (fee code 2253 for three-month extension for small entity) and \$170 (fee code 2401 for Notice of Appeal for small entity) under U.S.S.N. 10/023259 on November 17, 2004.

Applicants petition that the holding of abandonment of the above-identified patent application be withdrawn, as a proper reply (Notice of Appeal with Petition for Extension of Time) was timely filed. Support for this Petition is provided by the enclosed submissions, which

Attorney Docket No.: BVTP-P01-590 U.S.S.N.: 10/023,259

establish that the Notice of Appeal and Petition for Extension of Time were timely filed in the USPTO, using Express Mail Procedure on November 15, 2004, and were received by the USPTO. In addition, Applicants promptly submitted the instant Petition upon receipt of the Notice of Abandonment.

Respectfully submitted,

DATE:

October 18, 2007

Lisa M. Treannie

Reg. No. 41,368

Ropes & Gray LLP

One International Place

Boston, MA

Agent for Applicant(s)

Tel. No. (617) 951-7000

Fax No. (617) 951-7050

PTO/SB/17 (10-04v2)
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FEE TRANSMITTAL	Co	mplete if Known
FEE INANSIVIIIIAL	Application Number	10/023259

/023259 for FY 2005 Filing Date December 14, 2001 First Named Inventor Jung-Hwan Park Effective 10/01/2004. Patent fees are subject to annual revision. Examiner Name K. C. Sirmons Applicant claims small entity status. See 37 CFR 1.27 Art Unit 3763

TOTAL AMOUNT OF PAYMENT (\$) 660.00		Attom	ey Doo	ket No	b. BVTP-P01-590	
METHOD OF PAYMENT (check all that apply)				FEE	CALCULATION (continued)	
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X Deposit Account:		- E-414.	C11	r_44.		
Account 18-1945	Fee Code	Fee (\$)	Fee Code	Entity Fee (\$)	Fee Description	ee Paid
Deposit Account Ropes & Gray LLP	1051	130	2051	65	Surcharge - late filing fee or oath	007210
The Director is authorized to: (check all that epply)	1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
Charge fee(s) Indicated below X Credit any overpayments	1053	130	1053	130	Non-English specification	
X Charge any additional fee(s) or any underpayment of fee(s)	1812	2,520	1812	2,520	For filling a request for ex parte reexamination	
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1804	920*	1804		Requesting publication of SIR prior to Examiner action	
	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	$\overline{}$
1. BASIC FILING FEE	1252	430	2252	215	Extension for reply within second month	
Large Entity Small Entity	1253	980	2253	490	Extension for reply within third month	490.00
Fee Fee Fee Fee Fee Paid Code (\$) Code (\$)	1254	1,530	2254	765	Extension for reply within fourth month	•
1001 790 2001 395 Utility filing fee	1255	2,080	2255	1,040	Extension for reply within fifth month	
1002 350 2002 175 Design filing fee	1401	340	2401	170	Notice of Appeal	170.00
1003 550 2003 275 Plant filing fee	1402	340	2402	170	Filing a brief in support of an appeal	
1004 790 2004 395 Reissue filing fee	1403	300	2403	150	Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) (\$) 0.00	1452	110	2452	. 55	Petition to revive – unavoidable	
	1453	1,370	2453	685	Petition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Extra Fee from	1501	1,370	2501	685	Utility issue fee (or reissue)	
Claims below Fee Paid	1502	490	2502	245	Design issue fee	
Total Claims x = x	1503	660	2503	330	Plant issue fee	
Claims x = X	1460	130	1460	130	Petitions to the Commissioner	1
Multiple Dependent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
Large Entity Small Entity	1806	180	1806	180	Submission of Information Disclosure Strnt	
Fee Fee Fee Code (\$) Fee Description	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 18 2202 9 Claims in excess of 20 1201 88 2201 44 Independent claims in excess of 3	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 88 2201 44 Independent claims in excess of 3 1203 300 2203 150 Multiple dependent claim, if not paid	1810	790	2810	395	For each additional invention to be	
1204 88 2204 44 ** Reissue independent claims	1801	790	2801	395	examined (37 CFR 1.129(b)) Request for Continued Examination (RCE)	——
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1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1	fee (spe	i		of a design application	
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**or number previously paid, if greater, For Reissues, see above	Kedi	iced by I	oasic Fi	ung Fee	Paid SUBTOTAL (3) (\$)	660.00
SUBMITTED BY					(Complete # - Parties	
(Complete (if applicable))						

SUBMITTED BY		(Complete	(if applicable))
Name (Print/Type) Lisa M. Treannie	Registration No. (Attorney/Agent) 41,368	Telephone	(617) 951-7725
Signature Suam. Trea	unie	Date	November 15, 2004

I hereby	certify that this correspondence	is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV543609353U	us
ın an env	elope addressed to: MS AF, Co	ommissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown	٠,
below.		_	
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Via: Express Mail: Airbill No. EV543609353US Inventor: Park et al.

Atty Dkt No.: BVTP-P01-590

Application No.: 10/023259

Ion No.: 10/023259 Filing Date: December 14, 2001
MICRONEEDLE DEVICES AND PRODUCTION THEREOF

Documents Filed: Fee Transmittal (1 page)

Three Month Request for Extension of Time Under 37 CFR

Notice of Appeal (1 page)

Charge \$660.00 to deposit account 18-1945

Return receipt postcard

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NOV 2 2 2004 Date: November 15, 2004

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Intellectual Property Dept.



Via: Express Mail: Airbill No. EV543609	353US Atty Dkt No.: BV 17-PU1-335
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Title: MICRONEEDLE DEVICES A	110

Documents Filed: Fee Transmittal (1 page)

Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Notice of Appeal (1 page)

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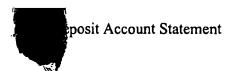
for FY 2005 Effective 10/01/2004. Patent lees are subject to annual revision.

Complete if Known Application Number 10/023259 December 14, 2001 Filing Date Jung-Hwan Park First Named Inventor Examiner Name K. C. Sirmons

x Applicant claims small entity status. See 37 CFR 1.27		Art Unit ·			. 3763	
TOTAL AMOUNT OF PAYMENT (\$) 660.00		Attom	ey Doo	cket No	b. BVTP-P01-590	
METHOD OF PAYMENT (check all that apply)				FEE	CALCULATION (continued)	
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Deposit Account Ropes & Gray LLP	1051	130	2051	65	Surcharge - late filing fee or oath	──ŢĬ
Account ROPES & Gray LLP Name The Director is authorized to: (check all that apply)	1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
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Extra Fee from	1502	490	2502	245	Designation for	
Total Claims = Ctaims below Fee Paid	1503	660	2503	330	Plant lesus foo	2004
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Multiple Dependent	1808	180	1808		ļ	
Large Entity Small Entity Fee				180	Submission of Information Disclosure Stmt Recording each patent assignment per	
Code (\$) Code (\$)	8021	40	8021	40	property (times number of properties)	
1202 18 2202 9 Claims in excess of 20 1201 88 2201 44 Independent claims in excess of 3	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1203 300 2203 150 Multiple dependent claim, if not paid	1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1204 88 2204 44 ** Reissue Independent claims	1801	790	2801	395	Request for Continued Examination (RCE)	
over original patent	1802	900	1802	900	Request for expedited examination	
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SUBMITTED BY					(Complete (if applicable))	
Name (Print/Type) I isa M. Treannie	Regist	ration No	41.	368	Telephone (617) 951-7725	

SUBMITTED BY			(Complete	(if applicable))
	Registration No. (Attorney/Agent)	41,368	Telephone	(617) 951-7725
Signature Swam. Trearne	Q		Date	November 15, 2004

	s being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV543609353US, mmissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown
below. Dated: 11-15-04	Signature: MANIA BURAndrea Berlo)







Deposit Account Statement

Requested Statement Month:

November 2004

Deposit Account Number:

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Name:

ROPES & GRAY

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DATE S	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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11/30 452	0049600		8522	\$25.00	\$22,8
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	BALANCE	CHARGES	REPLENISH	BALANCE	
	\$50,005.50	\$167,698.00	\$140,504.00	\$22,811.50	

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PNUTICE OF APPEAL FROM	Docket Number (Optional)					
THE BOARD OF PATENT APP	BVTP-P01-590					
	In re Application of					
	Park et al.					
	Application Number	Filed				
	10/023259 For MICRONEEDLE DEVICES	December 14, 2001				
i i	MICKONEEDLE DEVICE	S AND PRODUCTION THEREOF				
	Art Unit	Examiner				
	3763	K. C. Sirmons				
Applicant						
Applicant nereby appeals to the Boa	ard of Patent Appeals and Interference	s from the last decision of the examiner.				
The fee for this Netice of Asset 11.	7.050 (4.000)					
The fee for this Notice of Appeal is (3		\$340.00				
Applicant claims small entity state above is reduced by half, and the	atus. See 37 CFR 1.27. Therefore, th					
 		\$170.00				
A check in the amount of the fe	e is enclosed.					
Payment by credit card. Form I	PTO-2038 is attached.					
X The Director has already been a	authorized to charge fees in this applic	cation to a Deposit Assessmt				
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X The Director is hereby authorize	ed to charge any face which					
Deposit Account No. 18-19	ed to charge any fees which may be re	equired, or credit any overpayment to				
Deposit Account No. 18-1945 . I have enclosed a duplicate copy of this sheet. X A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.						
A pedition for all extension of the	te under 37 CFR 1.136(a) (P1O/SB/2)	2) is enclosed.				
I am the						
applicant /inventor.		Simon Ti				
<u> </u>		Justin. Manne				
assignee of record of the ent	ire interest.	Signature				
See 37 CFR 3.71. Stateme is enclosed. (Form PTO/SB	nt under 37 CFR 3.73(b) //96)	Lisa M. Treannie				
		Typed or printed name				
x attorney or agent of record.		•				
Registration number 41,3	<u>868</u>	(0.17) 0.7				
attorney or agent acting under	27 CED 4 24	(617) 951-7725				
		Telephone number				
Registration number if acting unc	der 37 CFR 1.34.	November 15, 2004				
NOTE: Signatures of all the investors as		Date				
NOTE: Signatures of all the inventors or Submit multiple forms if more than one si	assignees of record of the entire interes quature is required, see below*	t or their representative(s) are required.				
	5					
➤ *Total of1 forms ar	e submitted.	-				
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Dated: 1115/04		_	droa		1	

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TRADE	NOTICE OF APPEAL FROM THE EXAMINE THE BOARD OF PATENT APPEALS AND IN		Docket Number (Optional) BVTP-P01-590			
-	In re Application Park et al.	on of _				
ac y	Application Nu	ımher	Filed			
ų,	1 7 7	10/023259	December 14, 2001			
TO DE	For MICRO					
	Art Unit		Examiner			
		3763	K. C. Sirmons			
	Applicant hereby appeals to the Board of Patent Applicant hereby appeals to the Board of Patent Applicant hereby appeals (37 CFR 41.20(b))	(1))	\$340.00			
	Applicant claims small entity status. See 37 CF above is reduced by half, and the resulting fee is		\$ 170.00			
	A check in the amount of the fee is enclosed.	-				
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	Payment by credit card. Form PTO-2038 is atta	iched.				
	The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.					
	The Director is hereby authorized to charge any Deposit Account No. 18-1945 . I have	enclosed a duplicate	copy of this sheet.			
		(1.130(a) (F10/36/22) is endosed.			
	I am the		-			
	applicant finventor.		Juan. Manne			
l	assignee of record of the entire interest.		Signature			
	See 37 CFR 3.71. Statement under 37 CFR	R 3.73(b)	Lisa M. Treannie			
	is enclosed. (Form PTO/SB/96)	_	Typed or printed name			
	x attorney or agent of record.					
	Registration number 41,368		(617) 951-7725			
	attorney or agent acting under 37 CFR 1.34.	-	Telephone number			
	Registration number if acting under 37 CFR 1.34.		November 15, 2004			
	regulation number is acting tritted of GFR 1.34.		Date			
	NOTE: Signatures of all the inventors or assignees of rec Submit multiple forms if more than one signature is requin	ord of the entire interest ed, see below.	or their representative(s) are required.			
01	*Total of 1 forms are submitted.					
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	PETITION	FOR EXTENSION OF FY (fees effective on o	/ 2005		Docket Number (Op BVTP	otional) -P01-590
	Application	Number	10/0232	59	Filed Dec	ember 14, 2001
;	For MIC	RONEEDLE DEVICE	S AND PRODUC	TION THEREOF		
ئۇن. ئۇن	Art Unit	3763			Examiner	K. C. Sirmons
i de	identified ap	oplication.			period for filing a rep ired and enter the app	
Ě		One month (37 CFR	1.17(a)(1))	<u>Fee</u> \$110.00	Small Entity Fee \$55.00	\$
		Two months (37 CFF	R 1.17(a)(2))	\$430.00	\$215.00	\$
	X	Three months (37 C	FR 1.17(a)(3))	\$980.00	\$490.00	\$ 490.0
		Four months (37 CF	R 1.17(a)(4))	\$1,530.00	\$765.00	\$
		Five months (37 CFI	R 1.17(a)(5))	\$2,080.00	\$1,040.00	\$
		·	horized to charge	_	application to a Depos be required, or credit	
		applicant/i	nventor. of record of the enent under 37 CF	ntire interest. See 37 R 3.73(b) is enclosed	CFR 3.71. I. (Form PTO/SB/96)	RECEI NOV 2 2
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	Depo	applicant/i assignee of Staten x attorney of attorney of	nventor. of record of the enternance of the ente	ntire interest. See 37 R 3.73(b) is enclosed Registration Numbe	CFR 3.71. I. (Form PTO/SB/96)	RECEI NOV 2 2
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	Depo	applicant/i assignee of Staten x attorney of Registrat	nventor. of record of the entent under 37 CF r agent of record. r agent under 37 ion number if acting ignature M. Treannie	ntire interest. See 37 R 3.73(b) is enclosed. Registration Numbe	CFR 3.71. I. (Form PTO/SB/96) II. (Form PTO/SB/96) III. (Form PTO/SB/96)	NOV 2 2 ECHNOLOGY CEI er 15, 2004 Date 951-7725
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ADD01	Depo	applicant/i assignee of Staten attorney of attorney of Registrat Lisa Typed of anatures of all the inventors or gnature is required, see below	nventor. of record of the entent under 37 CF regent of record. regent under 37 ion number if acting the control of the entent under 37 ion number if acting the control of the ententententententententententententente	ntire interest. See 37 FR 3.73(b) is enclosed. Registration Numbe CFR 1.34(a). g.under 37 CFR 1.34(a)	CFR 3.71. I. (Form PTO/SB/96) II. 41,368 November (617) 9 Telephore	NOV 2 2 ECHNOLOGY CEI er 15, 2004 Date 951-7725 ne Number

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RETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)		
FY 2005 (fees effective on or after October 1, 2	2004)	. B\	/TP-P01-590	
Application Number 10/02325	9	Filed	December 14, 2001	
For MICRONEEDLE DEVICES AND PRODUCT	TION THEREOF			
Art Unit 3763		Examiner	K. C. Sirmons	
This is a request under the provisions of 37 CFR 1. identified application.	136(a) to extend the	period for filing a	reply in the above	
The requested extension and fee are as follows (ch	eck time period desi	red and enter the	appropriate fee below);	
One month (37 CFR 1.17(a)(1))	<u>Fee</u> \$110.00	Small Entity F \$55.00	<u>ee</u> \$	
Two months (37 CFR 1.17(a)(2))	\$430.00	\$215.00	<u> </u>	
x Three months (37 CFR 1.17(a)(3))	\$980.00	\$490.00	\$ 490.00	
Four months (37 CFR 1.17(a)(4))	\$1,530.00	\$765.00	\$	
Five months (37 CFR 1.17(a)(5))	\$2,080.00	\$1,040.00	\$	
x Applicant claims small entity status. See 37	CFR 1.27.			
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X The Director is hereby authorized to charge				
Deposit Account Number 18-1945	I have enclo	sed a duplicate o	copy of this sheet.	
I am the applicant/inventor.				
assignee of record of the ent Statement under 37 CFR	ire interest. See 37 (3.73(b) is enclosed.	CFR 3.71. (Form PTO/SB/	96).	
attorney or agent of record.	Registration Number	41,368	<u> </u>	
attorney or agent under 37 C	FR 1.34(a).			
Registration number if acting to	under 37 CFR 1.34(a)		·	
Main hearn	2	Nove	mber 15, 2004	
Signature			Date	
Lisa M. Treannie Typed or printed name			7) 951-7725	
NOTE: Signatures of all the inventors or assignees of record of the	entire interest or their repre	•	ohone Number d. Submit multiple forms if more	
than one signature is required, see below.		- (-) and respense	and a more	
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